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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,631	08/16/2001	Quintin T. Phillips	10007611-1	6321

7590 12/13/2006

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EXAMINER

ROBINSON, MYLES D

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/932,631	PHILLIPS ET AL.
	Examiner Myles D. Robinson	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 September 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1, 3 - 16, 24, 26 and 30 - 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 3 - 16, 24, 30, 32, 37, 39 and 40 is/are rejected.
- 7) Claim(s) 26, 31, 34 - 36 and 38 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 9/28/2006, and has been entered and made of record. Currently, **claims 1, 3 – 16, 24, 26 and 30 – 40** are pending.

Response to Arguments

2. Applicant's arguments filed 9/28/2006 have been fully considered but they are not persuasive.
3. Regarding **claims 1 and 9**, the Applicant argues that Nagata (U.S. Pre-Grant Application No. 2002/0077979) does not disclose, teach or suggest a processing circuitry configured to compare the received consumable identifier with the stored consumable identifiers and to compare the received party identifier with the stored party identifier of a respective one of the consumables corresponding to the received consumable identifier (see *Remarks [page 8, line 21 – page 9, line 8]*).
However, Nagata does disclose processing circuitry (see *Figs. 1 and 4, arithmetic processing section 122 [paragraphs 0360 – 0364]*) configured to compare the received consumable identifier with the stored consumable identifiers and to compare the received party identifier with the stored party identifier of a respective one of the consumables corresponding to the received consumable identifier (see *Fig. 34, step S31 [paragraphs 0366]*).

The tables containing identifiers for the individual consumables and their respective parties as associated with each other using a common key as a base key (*paragraph 0279*). Arithmetic processing section 122 checks these stored tables of contract signer IDs to identify the contract signer ID of the received, incoming data (see *Fig. 34, step S31 [paragraphs 0306 and 0366]*) and then checks the stored tables of product-in-circulation data to identify the unique ID number of the toner cartridge 60 of the received, incoming data (see *Fig. 34, step S31 [paragraphs 0307 and 0366]*).

Therefore, the Applicant's arguments regarding claims 1 and 9 are considered not persuasive.

4. Regarding **claims 1 and 9**, the Applicant argues that Nagata does not disclose, teach or suggest outputting of a communication responsive to the received party identifier not matching the stored party identifier of the respective consumable and wherein the communication indicates the failure of the received party identifier to match the stored party identifier of the respective consumable (see *Remarks [page 9, lines 9 – page 10, line 12]*).

However, Nagata does disclose wherein the processing circuitry is configured to control outputting of a communication responsive to the received party identifier not matching the stored party identifier of the respective consumable and wherein the communication indicates the failure of the received party identifier to match the stored party identifier of the respective consumable (see *Fig. 34, step S45, paragraph 0387 wherein service provider is notified using various methods, paragraphs 0360 – 0364*

wherein a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 and Fig. 83, step S56, paragraphs 1250 – 1252 wherein a message is displayed on the copier).

The deterrence of counterfeiters and their inferior imitation products is the motivation for the teachings of Nagata (*paragraphs 0033 – 0035 and 0144*). The arithmetic processing section 122 compares the received data, such as the contract signers ID and the ID number of the product-in-circulation 6, with corresponding stored tables (*paragraphs 0363 – 0364*); if that section then detects that the received data is the same unique ID number as one which has already been registered, then section 122 suspects the product corresponding to the received data is an imitation, or in other words, the received data does not match with the corresponding stored data. If there is a mismatch, then there are numerous ways to communicate in response to detecting a bogus product:

- a. A service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 (*paragraph 0362*), or
- b. Arithmetic processing section 122 displays an on-screen warning on the output section 125 (*see Fig. 34, step S45 [paragraphs 0361 and 0387]*), or
- c. Arithmetic processing section 122 informs the managing department of the service provider 10 of the mismatch via e-mail or local network (*see Fig. 34, step S45 [paragraphs 0361 and 0387]*).

Also, the displayed message "The toner cartridge installed is not proper" is indicative of communicating a perceived mismatch between the received party identifier and stored party identifier of the respective consumable so as to prevent the use of an imitation and to clearly communicate to the operator the reason as to why the machine will not operate (i.e. because the corresponding party identifier of this installed cartridge received does not match the corresponding party identifier of this installed cartridge) in contrast to other possible printing errors (i.e. mechanical trouble) (see *Fig. 83, step S56 [paragraphs 1235, 1236 and 1252]*).

Each of these methods of communication (e.g. service person, e-mail notification, on-screen notification, etc.) are triggered by whenever the received party identifier not matching the stored party identifier of the respective consumable as discussed above and indicate the failure of the received party identifier to match the stored party identifier of the respective consumable (i.e. text contained within an e-mail message or an on-screen notification, the service person delivering a mailed letter or communicating orally).

Therefore, the Applicant's arguments regarding claims 1 and 9 are considered not persuasive.

5. Regarding **claim 12**, the Applicant argues that Nagata does not disclose, teach or suggest forwarding a warning message to an image forming device coupled with the consumable to be verified responsive to the comparison (see *Remarks [page 10, lines 19 – 31]*).

However, Nagata does disclose wherein the processing circuitry is configured to forward a warning message to an image forming device coupled with the consumable to be verified responsive to the comparison (see *Fig. 83, step S56, paragraphs 1250 – 1252 wherein a message is displayed on the copier*).

The displayed message “The toner cartridge installed is not proper” is indicative of communicating a perceived mismatch between the received party identifier and stored party identifier of the respective consumable so as to prevent the use of an imitation and to clearly communicate to the operator the reason as to why the machine will not operate (i.e. because the corresponding party identifier of this installed cartridge received does not match the corresponding party identifier of this installed cartridge) in contrast to other possible printing errors (i.e. mechanical trouble) (see *Fig. 83, step S56 [paragraphs 1235, 1236 and 1252]*).

Therefore, the Applicant’s arguments regarding claim 12 are considered not persuasive.

6. Regarding **claim 13**, the Applicant argues that Nagata does not disclose, teach or suggest date and time information regarding the reception of the received consumable identifier and the received party identifier to the memory device for storage (see *Remarks [page 10, line 32 – page 11, line 6]*).

However, the Examiner takes Official Notice that it is well known in the prior art to forward date and time information regarding the reception of the received consumable identifier and the received party identifier to the memory device for storage.

It would have been obvious at the time of the invention was made to one of ordinary skill in the art to forward and to save date and time information associated with the reception of the received consumable identifier and the received party identifier in order to help predict the upcoming replacement of consumables currently in use. Such a motivation is suggested in Nagata (*paragraphs 0011 – 0015*).

Therefore, the Applicant's arguments regarding claim 13 are considered not persuasive.

7. Regarding **claim 32**, the Applicant argues that Nagata does not disclose, teach or suggest the communication indicates use of the consumable to be verified by an unauthorized party (see *Remarks [page 11, lines 7 – 14]*).

However, Nagata does disclose the communication indicates use of the consumable to be verified by an unauthorized party (see *Fig. 34, step S45, paragraph 0387 wherein service provider is notified using various methods, paragraphs 0360 – 0362 wherein a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 and Fig. 83, step S56; paragraphs 1250 – 1252 wherein a message is displayed on the copier*).

Each of the discloses methods of communication discussed above in claims 1 and 9 (e.g. service person, e-mail notification, on-screen notification, etc.) are triggered by whenever the received party identifier not matching the stored party identifier of the respective consumable as discussed above and indicate the failure of the received party

identifier to match the stored party identifier of the respective consumable (i.e. text contained within an e-mail message or an on-screen notification, the service person delivering a mailed letter or communicating orally).

Furthermore, the failure of the received party identifier to match the stored party identifier of the respective consumable verifies an unauthorized party. Controller section 3 awaits a print permission signal and/or message, and that signal verifies whether the installed cartridge is from the proper party (see *Fig. 83, step S54 [paragraphs 1248]*). The permission signal is then transmitted back to the printer the results of the verification process. If it is not verified, then the message "The toner cartridge installed is not proper" is displayed (see *Fig. 83, step S56 [paragraphs 1250 – 1251]*). This message is indicative of communicating an imposter, or an unauthorized party, so as to prevent the use of an imitation and to clearly communicate to the operator the reason as to why the machine will not operate (i.e. because the corresponding party identifier of this installed cartridge received does not match the corresponding party identifier of this installed cartridge) in contrast to other possible printing errors (i.e. mechanical trouble) (see *Fig. 83, step S56 [paragraphs 1235, 1236 and 1252]*). Also regarding the displayed message, the term "proper" is in reference to the party; thus, the message is displayed because the installed cartridge is from an "improper" party if

Therefore, the Applicant's arguments regarding claim 32 are considered not persuasive. Please cite rationale of the grounds of rejection below for further explanation.

8. Applicant's arguments (see *Remarks [page 12, line 5 – page 13, line 9]*) filed 9/28/2006 with respect to **claim 26** have been fully considered and are persuasive. The rejection of claim 26 has been withdrawn.

Claim Objections

9. The following quotation of 37 CFR 1.75(a) is the basis of the objection:
- (a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.
10. **Claims 34 – 36** are objected to under 37 CFR 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

Claim 34 recites the limitation "a plurality of stored consumable identifiers" in line 3 of the claim after the limitation "at least one of the stored consumable identifiers" was claimed in line 12 of the parent claim 1. The applicant has failed to particularly point out and distinctly claim if the applicant is referring to ***the same, instant*** "stored consumable identifiers" or ***a unique and distinctly different*** "stored consumable identifiers" within the claim. All claims dependent upon this claim suffer the same deficiency and, therefore, are objected to as well.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
12. **Claims 1, 3 – 12, 14 – 16, 24, 30, 32, 37, 39 and 40** are rejected under 35 U.S.C. 102(e) as being anticipated by Nagata (U.S. Pre-Grant Application No. 2002/0077979).

Referring to **claim 9**, Nagata discloses a consumable monitoring system (see *Figs. 1, 3 and 4, service provider 10*) comprising:

a database (see *Figs. 1 and 4, memory section 124 [paragraphs 0278 and 0279]*) configured to store information regarding a plurality of consumables (see *Figs. 9 – 12 wherein tables stored in memory section 124 and processed by arithmetic processing section 122 which includes cartridge type with respective unique IDs for a plurality of cartridges [paragraphs 0317 – 0320] and Fig. 33, steps S21, S24, S27 [paragraphs 0293 – 0295, 0321, 0323, 0326, 0327, 0330 and 0331 wherein service provider 10 collects and stores unique cartridge IDs]*) usable to form hard images (see *Figs. 1, 3 and 4, image forming apparatus 2, toner cartridge 60 [paragraph 0255]*), wherein the stored information for an individual one of the consumables includes a stored consumable identifier (see *Figs. 9 – 12 and Table 3 [paragraphs 0256, 0265, 0269, 0270, 0278 – 0279, 0282 – 0285 and 0368]*) which identifies the respective consumable, and a stored party identifier utilized to identify a proper party associated with the respective consumable (see *Fig. 10(b) [paragraphs 0278 – 0279, 0282 – 0285 and 0367]*),

an interface (see *Figs. 1, 3 and 4 wherein contract signer 1 comprising imaging apparatus 2 communicates via network 20 [telephone line 20A] to service provider 10 comprising terminal 12 [paragraphs 0286 – 0287]*) adapted to receive information regarding a consumable to be verified including a received consumable identifier which identifies the consumable to be verified and a received party identifier utilized to identify the proper party associated with the consumable to be verified (see *Fig. 34, step S30 wherein the contract signer ID, i.e. party identifier, and the unique identifier of cartridge 60 are received at terminal 12 [paragraph 0366]*),

processing circuitry (see *Figs. 1 and 4, arithmetic processing section 122 [paragraphs 0360 – 0364]*) configured to compare the received consumable identifier with the stored consumable identifiers and to compare the received party identifier with the stored party identifier of a respective one of the consumables corresponding to the received consumable identifier (see *Fig. 34, step S31 [paragraphs 0366]*), and

wherein the processing circuitry is configured to control outputting of a communication responsive to the received party identifier not matching the stored party identifier of the respective consumable and wherein the communication indicates the failure of the received party identifier to match the stored party identifier of the respective consumable (see *Fig. 34, step S45 wherein service provider is notified using various methods [paragraph 0387] and wherein a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 [paragraphs 0360 – 0364] and Fig. 83, step S56 [paragraphs 1250 – 1252 wherein a message is displayed on the copier]*).

Referring to **claim 10**, Nagata discloses the system further wherein the processing circuitry is configured to forward a message to the proper party associated with the respective consumable responsive to the comparisons (see *Fig. 34, step S45 wherein service provider is notified using various methods [paragraph 0387] and wherein a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 [paragraphs 0360 – 0362]*) and *Fig. 83, step S56 [paragraphs 1250 – 1252 wherein a message is displayed on the copier]*). In this instance, the proper party and the unauthorized party are one in the same because contract signer 1 used a duplicate consumable already registered with the service provider 10 (*paragraph 0361*) and then sends a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 (*paragraph 0362*).

Referring to **claim 11**, Nagata discloses the system further wherein the processing circuitry is configured to forward the communication comprising a command to disable at least one operation of an image forming device coupled with the consumable to be verified responsive to the comparison (see *Figs. 83 and 84 wherein controller section 3 requests permission from terminal station 12 in step S54, arithmetic processing section receives and analyzes request in step S64 then transmits a disablement command in step S66 and cartridge 60 is disabled in step S56 [paragraphs 1236, 1237, 1248, 1250 – 1254, 1261, 1263 and 1264]*).

Referring to **claim 12**, Nagata discloses the system further wherein the processing circuitry is configured to forward a warning message to an image forming

device coupled with the consumable to be verified responsive to the comparison (see *Fig. 83, step S56 wherein a message is displayed on the copier [paragraphs 1250 – 1252]*).

Referring to **claim 14**, Nagata discloses the system further wherein the interface is adapted to receive the information regarding the consumable to be verified including the received party identifier comprising a received device identifier (see *Table 1 [paragraphs 0256 and 0268]*) which identifies the image forming device which communicated the information and wherein the database is configured to store the stored party identifiers comprising at least one stored device identifier which identifies an image forming device associated with the proper party for the respective consumable and wherein the processing circuitry is configured to compare the received device identifier with the stored device identifier to compare the received party identifier with the stored party identifier (see *Figs. 1, 3 and 4 wherein contract signer 1 comprising imaging apparatus 2 communicates via network 20 [telephone line 20A] to service provider 10 comprising terminal 12 [paragraphs 0286 – 0287] and Figs. 9 – 12 wherein model data of the respective image forming apparatus 2 is recorded and displayed in tables [paragraphs 0289 – 0291]*).

Referring to **claim 15**, Nagata discloses the system further wherein the database is configured to store the stored party identifier comprising a plurality of stored device identifiers which identify a plurality of image forming devices associated with the proper party of the respective consumable (see *Figs. 1 and 4, memory section 124 [paragraphs 0278, 0279] and Figs. 9 – 12 wherein a plurality of model IDs correspond*

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with a plurality of image forming apparatuses 1), and wherein the processing circuitry is configured to compare the party identifier comprising a received device identifier with the stored device identifiers (see Figs. 1 and 4, arithmetic processing section 122 [paragraphs 0360 – 0364]).

Referring to **claim 16**, Nagata discloses the system further wherein the interface is adapted to receive the information regarding the consumable to be verified including the received party identifier which directly identifies the proper party of the respective consumable (see *Figs. 1, 3 and 4 wherein contract signer 1 comprising imaging apparatus 2 communicates via network 20 [telephone line 20A] to service provider 10 comprising terminal 12 [paragraphs 0286 – 0287], Fig. 34, step S31 wherein the identify of the proper party is already stored in memory section 124 and is used to make the comparison in step S31 [paragraph 0367] and wherein the ID of contract signer 1 comprises a company name, company address and unique ID number such that contract signer 1 can be directly contacted and billed [paragraphs 0282 – 0285]*).

Referring to **claims 1, 24 and 3 – 8**, the rationale provided in the rejections of claims 9 – 16, respectively, are incorporated herein. In addition, the systems of claims 9 – 16 perform the methods of claims 1, 24 and 3 – 8, respectively.

Referring to **claim 32**, Nagata discloses the system further wherein the communication indicates use of the consumable to be verified by an unauthorized party (see *Fig. 34, step S45 wherein service provider is notified using various methods [paragraph 0387], also, wherein a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section*

122 [paragraphs 0360 – 0362] and Fig. 83, step S56 wherein a message is displayed on the copier [paragraphs 1250 – 1252]).

Referring to **claim 30**, the rationale provided in the rejection of claim 32 is incorporated herein. In addition, the message indicating the failure of the received party identifier to match any stored party identifier associated with the consumable within claim 30 is equivalent to the communication indicating use of the consumable by an unauthorized party within claim 32 because a successful match of the received and the stored party identifiers would indicate that the consumable is being used by an authorized party.

Referring to **claim 33**, Nagata discloses the system further wherein the processing circuitry is configured to address the communication for communication to the proper party (see *Fig. 34, step S45 wherein service provider is notified using various methods [paragraph 0387]*, also, *wherein a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 [paragraphs 0360 – 0362]* and *Fig. 83, step S56 wherein a message is displayed on the copier [paragraphs 1250 – 1252]*) and to control outputting of another communication (see *Figs. 83 and 84 wherein controller section 3 requests permission from terminal station 12 in step S54, arithmetic processing section receives and analyzes request in step S64 then transmits a disablement command in step S66 and cartridge 60 is disabled in step S56 [paragraphs 1236, 1237, 1248, 1250 – 1254, 1261, 1263 and 1264]*) comprising a warning message of unauthorized use to an image forming device coupled with the consumable to be verified (see *Fig. 34, step S45*

wherein service provider is notified using various methods [paragraph 0387] and Fig. 83, step S56 wherein a message is displayed on the copier [paragraphs 1250 – 1252]).

In this instance, the proper party and the unauthorized party are one in the same because contract signer 1 used a duplicate consumable already registered with the service provider 10 (paragraph 0361) and then sends a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 (paragraph 0362).

Referring to **claim 37**, Nagata discloses the method further wherein the proper party is entitled to use the consumable to be verified and the unauthorized party is a party different than the proper party (see *Fig. 83 wherein step S54 awaits print permission for verified and properly registered users and, once a positive match is verified and permission is approved, step S55 allows the verified, properly registered user to proceed with normal operation; in contrast, a negative match in step S54 indicates an imitating, unauthorized user which is different than the registered user results in prohibited print access in S56 [paragraphs 1235, 1236 and 1248 – 1249]).*

Referring to **claim 39**, Nagata discloses the system further wherein the non-matching received party identifier and the stored party identifier identify different parties (see *Fig. 83 wherein step S54 awaits print permission for verified and properly registered users and, once a positive match is verified and permission is approved, step S55 allows the verified, properly registered user to proceed with normal operation; in contrast, a negative match in step S54 indicates an imitating, unauthorized user which*

is different than the registered user results in prohibited print access in S56 [paragraphs 1235, 1236 and 1248 – 1249].

Referring to **claim 40**, Nagata discloses the system further wherein the processing circuitry is configured to communicate the communication to the proper party and (see *Fig. 34, step S45 wherein service provider is notified using various methods [paragraph 0387] and wherein a service person is dispatched to notify contract signer 1 and to investigate the response to the analysis of the arithmetic processing section 122 [paragraphs 0360 – 0364]* and *Fig. 83, step S56 [paragraphs 1250 – 1252 wherein a message is displayed on the copier]*) wherein the communication comprises the received party identifier corresponding to an unauthorized party different than the proper party. The deterrence of counterfeiters and their inferior imitation products is the motivation for the teachings of Nagata (*paragraphs 0033 – 0035 and 0144*). The arithmetic processing section 122 compares the received data, such as the contract signers ID and the ID number of the product-in-circulation 6, with corresponding stored tables (*paragraphs 0363 – 0364*) in order to detect an unauthorized party that is different than the proper party.

Claim Rejections - 35 USC § 103

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
14. ***Claim 13*** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nagata** (U.S. Pre-Grant Application No. 2002/0077979).

Regarding **claim 13**, Nagata does not explicitly disclose, teach or suggest date and time information regarding the reception of the received consumable identifier and the received party identifier to the memory device for storage.

However, the Examiner takes Official Notice that it is well known in the prior art to forward date and time information regarding the reception of the received consumable identifier and the received party identifier to the memory device for storage. It would have been obvious at the time of the invention was made to one of ordinary skill in the art to forward and to save date and time information associated with the reception of the received consumable identifier and the received party identifier in order to help predict the upcoming replacement of consumables currently in use. Such a motivation is further suggested in Nagata (*paragraphs 0011 – 0015*).

Allowable Subject Matter

15. ***Claims 26, 31, 34 – 36 and 38*** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to **claims 26, 34 and 38**, although the Applicant discloses that an alternative sequence of comparisons is possible wherein the sequence of comparisons does not effect the intended results and wherein the particular sequence of first comparing the consumable identifiers and then comparing the party identifiers second has no disclosed benefit or advantage (see *Specification [page 14, lines 21 – 30]*), the innovative limitation that distinguishes the Applicant's claim is comparing the received

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consumable identifier with the stored consumable identifier before the comparison of the received party identifier with the stored party identifier.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myles D. Robinson whose telephone number is (571) 272-5944. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MDR

12/8/06



KYR

KING Y. POON
PRIMARY EXAMINER